

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STUART TARMY AND OTHERS
SIMILARLY SITUATED,
Plaintiffs,

v.

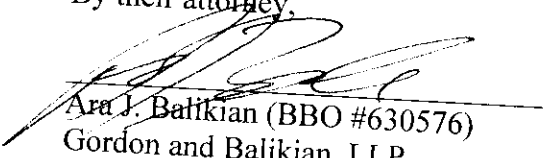
CHARLES RIVER SYSTEMS, INC. d/b/a
CHARLES RIVER DEVELOPMENT
Defendant.

Civil Action No. 04-10992-GAO

**MOTION TO RECONSIDER THE GRANT OF DEFENDANT'S MOTION TO
DISMISS COUNT II OF PLAINTIFF'S COMPLAINT**

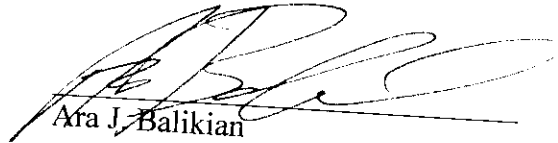
The Plaintiff, Stuart Tarmy, hereby moves the court to reconsider the grant of Defendant's Motion to Dismiss Count II of the Plaintiff's Complaint. Plaintiff's counsel prepared Plaintiff's Opposition to Defendant's Motion to Dismiss, but inadvertently neglected to file it in a timely manner. As such, and in the interest of justice given the law in this area, Plaintiff respectfully requests that this court reconsider its grant of the Defendant's Motion to Dismiss Count II of the Plaintiff's Complaint, allow the Plaintiff to serve Plaintiff's Opposition to the Defendant's Motion to Dismiss, and set a hearing date for this Motion. A copy of Plaintiff's Opposition is attached hereto.

Respectfully submitted,
PLAINTIFFS
By their attorney,


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Certificate of Service

I, Ara J. Balikian, attorney for the plaintiffs in the above-captioned action, hereby certify that I served a true and accurate copy of the foregoing documents upon Laura E. Schneider, Wilmer Culter Pickering Hale and Dorr LLP, 60 State Street, Boston, MA 02209, via First Class Mail, postage prepaid, on September 17, 2004.


Ara J. Balikian